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10/699,380	10/31/2003	Johnny I. Accot	ARC920030061US1	3034

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11/01/2007

EXAMINER

ABDUL-ALI, OMAR R

ART UNIT	PAPER NUMBER
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2178

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,380

Applicant(s)

ACCOT, JOHNNY I.

Examiner

Omar Abdul-Ali

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The following action is in response to the response filed August 14, 2007. Amended Claims 1-35 are pending and have been considered below.

1. Examiner's Note: The previous art rejections of Claims 1-10 have been withdrawn as necessitated by Applicant's amendments. However, upon further consideration, a new ground(s) of rejection is made in view of Schirmer (US 6,369,837).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-35 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-11 disclose software components (a non-linear path region corresponding to a list of items, and a non-rotatable handle region), per se, which are non-functional descriptive material, thus they may also be considered to be merely an abstract idea and are rejected under 35 U.S.C. 101 as being a non-patentable abstract idea.

Claims 12-35 disclose software components, which are non-functional descriptive material, thus they may also be considered to be merely an abstract idea and are rejected under 35 U.S.C. 101 as being a non-patentable abstract idea.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (US 5,392,388) in view of Schirmer (US 6,369,837).

Claim 1: Gibson discloses a method and system for a non-linear scrollbar comprising a non-linear path region that corresponds to a list of items in a computer application (column 2, lines 46-54). Specifically, Gibson discloses a non-linear periphery region that corresponds to one or more segments making up a panoramic image (Column 2, lines 46-54). The segments of the panoramic image are viewed as "items" in this case. Gibson does not explicitly disclose said non-linear path region comprises a spiraling trough progressively winding tighter from an outer periphery region towards a geometric center point. Schirmer discloses a similar computer program product, apparatus, and method for a non-linear scrollbar, that further discloses a rollerball that is configured in a spiral that is characterized by a peripheral border that surrounds a central interior region corresponding to items in a menu (column 4, lines 38-51/column 9, lines 12-14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching Schirmer provides for a spiral configuration that corresponds to a list of items in Gibson. One would have been motivated to add this

Art Unit: 2178

feature to increase operator efficiency through the implementation of an improved visual control device.

Gibson discloses a rotatable handle region (moveable control element) that corresponds to a subset of the items in the list (column 2, lines 46-54).

Claim 2: Gibson and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 1 above, and Gibson discloses the non-linear path region (periphery) is circular (column 2, lines 27-36). Schirmer further discloses a rollerball that is configured in a spiral that is characterized by a peripheral border that surrounds a central interior region corresponding to items in a menu (column 4, lines 38-51/column 9, lines 12-14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching Schirmer provides for a spiral configuration that corresponds to a list of items in Gibson. One would have been motivated to add this feature to increase operator efficiency through the implementation of an improved visual control device.

Claim 3: Gibson and Schirmer discloses a method and system for a non-linear scrollbar as in Claim 1 above, but neither reference explicitly shows that the non-linear path region comprises a square configuration. However, it would have been obvious to configure the shape of the path region in any configuration to one of ordinary skill in the art at the time the invention was made. One would have been motivated to change the configuration of the path region for customization purposes.

Claim 4: Gibson and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 1 above, but does not explicitly show that the non-linear path region comprises a rectangular configuration. However, it would have been obvious to configure the shape of the path region in any configuration to one of ordinary skill in the art at the time the invention was made. One would have been motivated to change the configuration of the path region for customization purposes.

Claim 5: Gibson and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 1 above, further comprising:

- a. each of the items in the list is represented by a fixed proportion of the path region (column 2, lines 46-54). Gibson discloses each portion of the periphery corresponds to one or more of the segments.

Claim 6: Gibson discloses a method and system for a non-linear scrollbar as in Claim 1 above, further comprising:

- a. the handle region is proportional to a fixed proportion of the path region (column 2, lines 46-61).

Claim 7: Gibson discloses a method and system for a non-linear scrollbar as in Claim 5 above, further comprising:

- a. the fixed proportion is a fixed angle (column 2, lines 46-61).

Claim 8: Gibson discloses a method and system for a non-linear scrollbar as in Claim 6 above, further comprising:

- a. the fixed proportion is a fixed angle (column 2, lines 46-61).

Claim 9: Gibson discloses a method and system for a non-linear scrollbar as in Claim 1 above, further comprising:

- a. the length of the path region is directly proportional to an amount of items in the list (column 2, lines 46-61).

Claim 10: Gibson discloses a method and system for a non-linear scrollbar as in Claim 1 above, further comprising:

- a. a display region that displays the subset (column 2, lines 46-61).

6. Claims 11-23 are rejected under 35 U.S.C. 103(a) as being obvious over Gibson (US 5,392,388) in view of Blades et al. (US 5,706,388) and further in view of Schirmer (US 6,369,837)

Claim 11: Gibson and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 1 above, but neither reference explicitly discloses a handle manipulator for manipulating the handle region. Blades discloses a similar method and system for a non-linear scrollbar that further discloses a head and tail region that are used to

Art Unit: 2178

manipulate a handle region (column 7, lines 16-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a handle manipulator for manipulating the handle region in Gibson. One would have been motivated to include a handle manipulator in order to provide more custom functionality to the interface.

Claim 12: Gibson discloses a method and system for a non-linear scrollbar, comprising:

a. a geometric center point (column 2, lines 44-61). The periphery is a circle, which has a geometric center point;

b. an outer periphery region (column 2, lines 44-48);

Gibson does not explicitly disclose a non-linear trough progressively winding tighter from said outer periphery region towards said geometric center point and corresponding to a list of items in a computer application. Schirmer discloses a similar computer program product, apparatus, and method for a non-linear scrollbar, that further discloses a rollerball that is configured in a spiral that is characterized by a peripheral border that surrounds a central interior region corresponding to items in a menu (column 4, lines 38-51/column 9, lines 12-14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a non-linear trough progressively winding tighter from said outer periphery region toward said geometric center point and corresponding to a list of items in a computer application in Gibson. One would have been motivated to add this feature to

Art Unit: 2178

increase operator efficiency through the implementation of an improved visual control device.

Gibson discloses a rotatable thumb that corresponds to an accessed portion of the list of items (column 2, lines 44-61), and Schirmer further discloses moving a selected portion of the active region from the central interior region toward the peripheral border (column 4, lines 42-46). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the rotatable thumb to be extendable anywhere between said geometric center point and said outer periphery region. One would have been motivated to extend the rotatable thumb between the geometric center point and outer periphery region in order to enable the display of a plurality of files.

Gibson does not explicitly disclose a partition region that corresponds to predetermined transitions between items in the list. Blades discloses a similar method and system for a non-linear scrollbar, that further discloses various functions that are separated by partitions (column 7, lines 16-31/Figure 4A). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a partition region that corresponds to predetermined transitions between items in the list. One would have been motivated to include a partition region to ensure the user can differentiate between different files.

Gibson does not explicitly disclose a handle manipulator for manipulating the rotatable thumb, wherein said handle manipulator maneuvers said rotatable thumb quicker towards said geometric center point than towards said outer periphery region.

Art Unit: 2178

However, Blades discloses a head and tail region that are used to manipulate a handle region (column 7, lines 16-29), and Schirmer further discloses scrolling at a rate that increases non-linearly as the selected portion of the active region progresses from the central interior region toward the peripheral border. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a handle manipulator that maneuvers the rotatable thumb quicker towards said geometric center point than towards said outer periphery region. One would have been motivated to include a handle manipulator in order to provide more custom functionality to the interface. One would have been motivated to increase the speed of the scrolling function to enable the user to quickly access files that are further down the list.

Claim 13: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, but none of the references explicitly disclose as the thumb rotates, the list of items rotate accordingly. However, it would have been obvious to one having ordinary skill in the art at the time of the invention that the list could be rotated as the thumb rotates. One would have been motivated to rotate the list to add more elements to the list, or for customization purposes.

Claim 14: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, and Schirmer further discloses the non-linear scrollbar comprises a spiral configuration (column 4, lines 47-51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

Art Unit: 2178

make the non-linear scrollbar comprise a spiral configuration. One would have been motivated to arrange the non-linear scrollbar in a spiral configuration to form a compact and easy to navigate set of choices for the user.

Claim 15: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, but none of the references explicitly disclose the non-linear path region comprises a square configuration. However, the examiner considers it immaterial as to which shape the path region is configured and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the path region could be configured in different shapes. One would have been motivated to change the configuration of the path region for customization purposes.

Claim 16: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, but none of the references explicitly disclose the non-linear path region comprises a rectangle configuration. However, the examiner considers it immaterial as to which shape the path region is configured and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the path region could be configured in different shapes. One would have been motivated to change the configuration of the path region for customization purposes.

Art Unit: 2178

Claim 17: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, and Gibson further discloses:

a. each of the items in the list is represented by a fixed proportion of the non-linear scrollbar (column 2, lines 46-54). Gibson discloses each portion of the periphery corresponds to one or more of the segments.

Claim 18: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, and Gibson further discloses:

a. the rotatable region is proportional to a fixed proportion of the non-linear scrollbar (column 2, lines 46-61).

Claim 19: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 17 above, and Gibson further discloses:

a. the fixed proportion is a fixed angle (column 2, lines 46-61).

Claim 20: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 18 above, and Gibson further discloses:

a. the fixed proportion is a fixed angle (column 2, lines 46-61).

Claim 21: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, and Gibson further discloses:

Art Unit: 2178

a. a length of the non-linear scrollbar is directly proportional to an amount of items in the list (column 2, lines 46-61).

Claim 22: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, and Blades further discloses a list of items that are displayed around a perimeter of the rotatable pointer (column 3, lines 12-17).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange and display the list of items circumferentially around the perimeter of the non-linear scrollbar in Gibson. One would have been motivated to display the list of items circumferentially around the perimeter of the non-linear scrollbar for design choice.

Claim 23: Gibson, Blades, and Schirmer disclose a method and system for a non-linear scrollbar as in Claim 12 above, and Blades further discloses a head and tail region that are used to manipulate a handle region (column 7, lines 16-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a handle manipulator for manipulating the handle region in Gibson. One would have been motivated to include a handle manipulator in order to provide more custom functionality to the interface.

7. Claims 24-35 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson (US 5,392,388) in view of Blades et al. (US 5,706,388).

Claim 24: Gibson discloses a method and system for a non-linear scrollbar, but does not explicitly disclose corresponding a non-linear scrollbar to a list of items in a computer application. However, Gibson does disclose a non-linear periphery region that corresponds to one or more segments making up a panoramic image (Column 2, lines 46-54). The segments of the panoramic image are viewed as "items" in this case. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to correspond the non-linear scrollbar with a list of items. One would have been motivated to correspond a non-linear scrollbar to a list of items in order to efficiently manage the list of items in a graphical user interface in a compact fashion.

Gibson discloses corresponding a non-linear rotatable region to an accessed portion of the list (segments) of items (column 2, lines 46-54).

Gibson does not explicitly disclose corresponding a partition region to predetermined transitions between items in the list. Blades discloses a similar method and system for a non-linear scrollbar, that further discloses various functions that are separated by partitions (column 7, lines 16-31/Figure 4A). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a partition region that corresponds to predetermined transitions between items in the list. One would have been motivated to include a partition region to ensure the user can differentiate between different files.

Art Unit: 2178

Claim 25: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, but neither of the references explicitly disclose as the thumb rotates, the list of items rotate accordingly. However, it would have been obvious to one having ordinary skill in the art at the time of the invention that the list could be rotated as the thumb rotates. One would have been motivated to rotate the list to add more elements to the list, or for customization purposes.

Claim 26: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, but neither reference explicitly discloses the non-linear scrollbar comprises a spiral configuration. Schirmer discloses a similar computer program product, apparatus, and method for a non-linear scrollbar that further discloses the non-linear scrollbar comprises a spiral configuration (column 4, lines 47-51). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the non-linear scrollbar comprise a spiral configuration. One would have been motivated to arrange the non-linear scrollbar in a spiral configuration to form a compact and easy to navigate set of choices for the user.

Claim 27: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, but neither reference explicitly discloses the non-linear scrollbar comprises a square configuration. However, the examiner considers it immaterial as to which shape the path region is configured and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the path region

Art Unit: 2178

could be configured in different shapes. One would have been motivated to change the configuration of the path region for customization purposes.

Claim 28: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, but neither reference explicitly discloses the non-linear scrollbar comprises a rectangle configuration. However, the examiner considers it immaterial as to which shape the path region is configured and it would have been obvious to one having ordinary skill in the art at the time the invention was made that the path region could be configured in different shapes. One would have been motivated to change the configuration of the path region for customization purposes.

Claim 29: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, and Gibson further discloses:

a. each of the items in the list is represented by a fixed proportion of the non-linear scrollbar (column 2, lines 46-54).

Claim 30: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, and Gibson further discloses:

a. the rotatable region is proportional to a fixed proportion of the non-linear scrollbar (column 2, lines 46-61).

Art Unit: 2178

Claim 31: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 29 above, and Gibson further discloses:

- a. the fixed proportion is a fixed angle (column 2, lines 46-61).

Claim 32: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 30 above, and Gibson further discloses:

- a. the fixed proportion is a fixed angle (column 2, lines 46-61).

Claim 33: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, and Gibson further discloses:

- a. a length of the non-linear scrollbar is directly proportional to an amount of items in the list (column 2, lines 46-61).

Claim 34: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, and Blades further discloses a list of items that are displayed around a perimeter of the rotatable pointer (column 3, lines 12-17). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange and display the list of items circumferentially around the perimeter of the non-linear scrollbar in Gibson. One would have been motivated to display the list of items circumferentially around the perimeter of the non-linear scrollbar for design choice.

Art Unit: 2178

Claim 35: Gibson and Blades disclose a method and system for a non-linear scrollbar as in Claim 24 above, and Blades further discloses a head and tail region that are used to manipulate a handle region (column 7, lines 16-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a handle manipulator for manipulating the handle region in Gibson. One would have been motivated to include a handle manipulator in order to provide more custom functionality to the interface.

Response to Arguments

8. Applicant's arguments filed August 14, 2007 have been fully considered but they are not persuasive.

Applicant argues the combination of the references does not teach a scrollbar having a spiraling trough and instead show round scrollbars and balls. In response to the Applicant's argument, it is respectfully submitted that the combined teachings of Gibson and Schirmer illustrates the limitation as applied above. Gibson discloses a non-linear periphery region, which corresponds to segments of an image. The user is able to rotate the handle region through the non-linear periphery region. Schirmer provides the teaching of a spiral configuration that corresponds to items in a list. The Schirmer reference is used to illustrate the functionality of a spiral configuration that is operated to scroll through data by selecting an active region and moving it from the central interior region toward the peripheral border. It would have been obvious to one

Art Unit: 2178

skilled in the art at the time the invention was made to provide a spiral configuration for the trough in Gibson in order to traverse through items of a list.

Applicant argues 'the items in the list of the claimed invention are not represented by a fixed proportion of the non-linear periphery region'. In response to the Applicant's argument, it is respectfully submitted that Gibson teaches the limitation as applied above. It is evident that a 'fixed proportion' of the defined periphery in Gibson represents the segments of the image, because Gibson discloses one or more of the segments of the image correspond to each portion of the defined periphery (column 2, lines 45-54). Each portion of the defined periphery corresponds to one or more of the segments, which provides reasonable suggestion that a 'fixed proportion' represents each segment.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2178

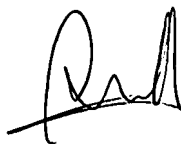
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
10/13/2007



STEPHEN HONG
SUPERVISORY PATENT EXAMINER